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Via Email (Chambers of Judge Mitchell S. Goldberg@paed.uscourts.gov)

The Honorable Mitchell S. Goldberg
United States District Court –
Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse, Room 7614
601 Market Street
Philadelphia, Pennsylvania 19106-1797

Re: USA v. Warren et al., Case#: 2:21-cv-04511-MSG

Dear Judge Goldberg:

As Your Honor is aware, the undersigned represents Defendants Dr. Timothy Warren and Titan Medical Compliance in the above captioned matter and submitted a letter motion for leave to withdraw as counsel pursuant to Local Civil Rule 5.1(c) on or about December 30, 2021 (via facsimile) and have since submitted additional letters on the same or involving the same issues dated May 26, 2022, June 17, 2022, and June 30, 2022. The undersigned is submitting this letter request to Your Honor to renew that motion on largely the same bases as before (and some additional ones) in compliance with Your Honor's Order on June 6, 2022 in which Your Honor specified that counsel could renew the motion once an Answer has been filed. (ECF Doc. # 26 at ¶ 3).

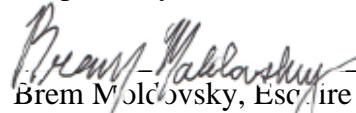
As was raised in the prior letters, 1) the clients have failed to produce the documents and information necessary to move forward with the desired settlement despite representing to the undersigned that documents were forthcoming, which the undersigned conveyed to the Plaintiff and then was unable to perform; 2) the clients once again have not been in contact with the undersigned for more than two weeks despite the undersigned sending emails and text messages and previously making phone calls; 3) the undersigned has fundamental strategic differences with the clients regarding the matter (which can be explained further to the Court as helpful); 4) the undersigned has been put in the position of having to make representations to the Plaintiff

based on the clients' representations that too often do not come to pass; 5) the clients have continued to not make required payments towards ongoing and upcoming litigation work pursuant to the attorney-client agreement letter; 6) the Defendants have not made payments for already incurred work and past due balances in excess of \$10,000, which is a true hardship on the undersigned small Firm and counsel; and 7) the undersigned cannot possibly proceed as counsel without the clients' sufficient cooperation and participation.

Defendants are not being in communication at this time and as was described in prior letters to Your Honor, failed to provide the documents and information that were required and promised, and in the last two months have substantially failed to be in contact with the undersigned to properly help with responding to the complaint, including by not even responding to emails seeking details to selected highlighted paragraphs. There is a sincere concern that the undersigned will continue to be unable to contact the Defendants or rely on their cooperation in the processes of Rule 16 and Rule 26 work, discovery, summary judgment, or at trial. The Court has already made a ruling recognizing that "As reflected throughout the procedural history of this matter, Dr. Warren has shown no inclination to work with counsel, regardless of counsel's location. Defense counsel's own letters reveal that Dr. Warren has been unresponsive to phone calls, emails, Zoom requests, etc." (ECF Doc. #31 at 8).

For the reasons set forth above, we respectfully request that the Court grant leave to the undersigned to withdraw as Counsel for the Defendants in this matter at this time and grant the Defendants sufficient time to appropriately proceed in this matter.

Respectfully submitted,


Brem Moldovsky, Esquire
Brem Moldovsky, L.L.C.
Attorney for Defendants

cc: Counsel of Record
Timothy Warren and Titan Medical Compliance (doctimm@titanmedcenter.com)